

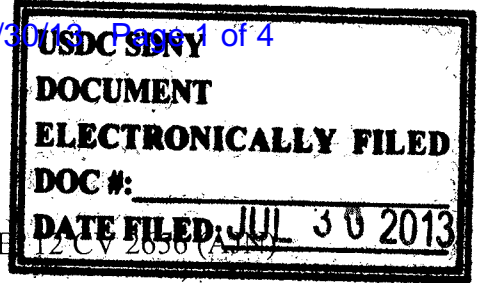
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE A2P SMS
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

X
:
:
:
:
:
:
X

MASTER FILE



12-cv-2656

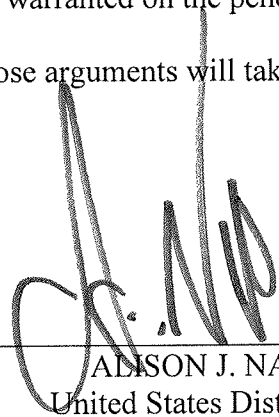
ORDER

ALISON J. NATHAN, District Judge:

On further consideration, and in light of Defendants' letter (attached), the Court will limit the scope of argument on August 6, 2013, to Defendants' motions to compel arbitration and to stay proceedings pending arbitration. (Dkt. Nos. 149, 151, 162, 165, 171) If, after hearing those arguments, the Court concludes that oral argument is warranted on the pending motions to dismiss, the Court will set a second date on which those arguments will take place.

SO ORDERED.

Dated: July 30, 2013
New York, New York



ALISON J. NATHAN
United States District Judge

WINSTON
& STRAWN
LLP

North America Europe Asia

35 West Wacker Drive
Chicago, IL 60601-9703
T: +1 (312) 558-5600
F: +1 (312) 558-5700
www.winston.com

Electronic Letterhead

Thomas J. Frederick
(312) 558-5983
tfrederick@winston.com

July 29, 2013

BY EMAIL

Hon. Alison J. Nathan
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *In re A2P Antitrust Litigation*, Master File 12 CV 2656 (AJN)—August 6, 2013
Hearing

Dear Judge Nathan:

I represent Verizon Wireless in the above-referenced litigation, and on behalf of all Defendants write to advise the Court about their proposed allocation of their thirty minutes of argument time at the August 6, 2013 hearing:

- Defendants propose to use twenty minutes to address their motions to compel arbitration and motions to stay pending arbitration, divided as follows:
 - Fifteen minutes will be devoted to issues common to the arbitration motions made by Defendants to CTIA's Motion to Compel Arbitration (Dkt. Nos. 162, 163, 164, 179, 181, 182, 187), and to the Carrier Defendants' Motion to Compel Arbitration (Dkt. Nos. 171, 172, 173, 179, 181, 182).¹ Andrew McBride, counsel for Verizon Wireless, will argue on behalf of CTIA and the Carrier Defendants with respect to these motions.
 - Five minutes will be devoted to mBlox Incorporated and OpenMarket Inc.'s Motion to Stay Pending Arbitration and to Dismiss the Second Consolidated Amended Class Action Complaint under Rule 12(b)(6) (Dkt. Nos. 165, 166, 167, 179, 181, 182, 191), and to the Aggregator Defendants' Motion to Stay Pending Arbitration (Dkt. Nos. 149, 150, 179, 181, 182).² Robert Sills, counsel for mBlox, will argue on behalf of the Aggregator Defendants with respect to this motion.

¹ The Carrier Defendants include Cellco Partnership, d/b/a Verizon Wireless; AT&T Mobility LLC; Sprint Nextel Corporation; T-Mobile USA, Inc.; and U.S. Cellular Corporation.

² The Aggregator Defendants include Air2Web, Inc.; Ericsson Inc.; mBlox Incorporated; OpenMarket Inc.; Sybase, Inc.; SoundBite Communications, Inc.; Syniverse Technologies LLC (f/k/a Syniverse Technologies, Inc.); Vibes Media, LLC; 3Cinteractive, LLC; and Zergo Americas Inc.

Hon. Alison J. Nathan
July 29, 2013
Page 2

- Defendants propose to use their remaining ten minutes to address their Rule 12(b)(6) motions to dismiss, divided as follows:
 - Seven minutes will be devoted to issues common to the Defendants' motions to dismiss, to the Carrier Defendants and CTIA's Motion to Dismiss the Second Consolidated Amended Class Action Complaint (Dkt. Nos. 168, 169, 170, 175, 185), and to the Wireless Media Consulting, Inc. d/b/a WMC Global Motion to Dismiss Second Consolidated Amended Class Action Complaint under rule 12(b)(6) (Dkt. Nos. 154, 155, 175, 184). Aaron Panner, counsel for Verizon Wireless, will argue on behalf of CTIA and the Carrier Defendants with respect to this motion.
 - Three minutes will be devoted to the Aggregator Defendants' Motion to Dismiss Second Consolidated Amended Class Action Complaint under Rule 12(b)(6) (Dkt. Nos. 144, 145, 175, 188). Molly Boast, counsel for OpenMarket, will argue on behalf of the Aggregator Defendants with respect to this motion.

Defendants respectfully suggest that the Court hear the entirety of the argument by both sides on arbitration issues before proceeding to the argument on motion to dismiss issues. Further, unless the Court has questions regarding them, Defendants intend to rely on their briefs and do not plan to devote argument time to the following motions at the hearing:

1. U.S. Cellular Corporation's Motion to Dismiss Second Consolidated Class Action Complaint for Lack of Personal Jurisdiction (Dkt. Nos. 146, 147, 148, 177, 178, 186).
2. Wireless Media Consulting, Inc. d/b/a WMC Global Motion to Compel Arbitration (Dkt. Nos. 151, 152, 153, 179, 181, 182, 183).
3. Soundbite Communications, Inc. Motion to Dismiss Second Consolidated Amended Class Action Complaint under Rule 12(b)(6) (Dkt. Nos. 156, 157, 176, 193).

Defendants respectfully request that the Court advise them if it would prefer that their time be allocated differently or other motions be specifically addressed.

Respectfully submitted,



Thomas J. Frederick

TJF:na

Hon. Alison J. Nathan
July 29, 2013
Page 3

cc: Robert N. Kaplan, Esq.
Gregory K. Arenson, Esq.
Defense Counsel of Record